

REMARKS

In the Advisory Action dated July 23, 2009, the Examiner maintained the rejections of the April 15, 2009 Final Office Action. Accordingly, Applicant's remarks below are directed to the Examiner's comments in the Advisory Action. Applicant hopes that the remarks herein will help to clarify Applicant's points from his previous responses regarding the cited references.

Preliminarily, the Examiner states in the Advisory Action at page 3 that "the proper combination of the applied references would be the incorporation of Dorne's system for calculating billing codes with the system as taught by Evans and Peters". Among other things, Applicant respectfully submits that his previously filed Request for Reconsideration (filed June 15, 2009) properly disproves the Examiner's asserted combination of Dorne with Evans and Peters. Among other things, Applicant goes into extensive detail with regard to the fact that Dorne does NOT disclose calculating intermediate and final E&M billing codes as disclosed and claimed by Applicant (see Applicant's June 15, 2009 Request for Reconsideration at pg. 4, para. 3 to pg. 7, para. 2).

Applicant respectfully continues to submit that Dorne does not disclose calculating ANY (intermediate or final) billing codes. Among other things, Dorne's raw codes pertain to diagnostic tests or surgical interventions performed on a particular part of the anatomy of a patient, for example, an artery in the head and neck. Each of these tests or surgical interventions has an actual *predetermined* number (i.e., "raw" code) in the CPT coding guideline. When billing, physicians simply input all of the code numbers (rather than information related to a patient encounter, in the case of Applicant's invention) which correspond to a body part that has been assessed or treated. Then, the individual raw codes are *compiled* (NOT calculated) to yield a final code. However, nowhere in Dorne does he disclose or suggest a method for

determining/calculating those code numbers based on recorded information (i.e., information other than the code numbers themselves). This is due to the fact that Dorne's raw code(s) itself is already known and does not have to be determined/calculated. Applicant's invention, on the other hand, determines/calculates the "raw" billing code so that a physician does not have to spend time memorizing codes or looking them up during a patient encounter. In other words, the physician does not need to know what the exact billing code is since it can be determined using other information based on their encounter with a patient. Accordingly, Applicant respectfully submits that Dorne does not teach or make obvious Applicant's claimed method of calculating intermediate or final billing codes, and that the Examiner's asserted combination of Dorne with Evans and Peters is improper.

Furthermore, at page 3 of the Advisory Action, the Examiner cites Dorne, Fig. 1, col. 3 lines 18-38, col. 20-46. However, Applicant respectfully brings to the Examiner's attention the fact that the Dorne reference does not even have columns 25-46. Accordingly, Applicant requests that the Examiner take corrective action by issuing a new Advisory Action having a new time period for reply.

With regard to the Examiner's reliance on Peters for "teaching a survey including branched-to questions linked to another question or questions", Applicant respectfully submits that the Examiner's reliance on Peters in this regard is unclear. Applicant respectfully requests clarification of that point from the Examiner.

With regard to Letzt, Applicant respectfully submits that Letzt basically discloses an enhanced alarm clock. The message displayed on Letzt's alarm clock is simply "time to take your pill" or other similar reminder messages. In other words, Letzt is directed to helping people remember to take their medication at the proper time and in the proper way, and to otherwise

follow their care plan properly. Applicant's timer, on the other hand, is used to determine the amount of time a physician spent counseling the patient, the total time a physician spent with the patient, and whether the former is greater than 50% of the later to determine the codes. Nowhere in Letzt does he disclose tracking time for any purposes (such as for generating billing codes). Accordingly, Applicant respectfully submits that Letzt does not teach a timer such as the one used in Applicant's claimed inventions and as such, does not anticipate or render obvious any aspect of Applicant's inventions.

Accordingly, Applicant respectfully submits that none of the prior art, alone or in any permissible combination, discloses or renders obvious any of Applicant's claimed inventions. Moreover, Applicant respectfully submits that Applicant's claims are in condition for allowance as currently pending, notice whereof is respectfully requested of the Examiner.

In addition, Applicant respectfully requests the opportunity to further review Applicant's points with the Examiner prior to putting Applicant and the Patent Office to the expense of an appeal and/or further prosecution filings. In that regard, Applicant intends to contact the Examiner in the next couple of days to request a short telephone conference to discuss generally certain points from the Final Office Action and the instant Advisory Action.

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If the Examiner would like to discuss any remaining or new issues regarding this communication, the Examiner is invited to contact the undersigned representative of Applicant at (949) 718-6750.

Respectfully submitted,

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